



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,534	04/18/2001	Corey S. McEnhill	052833-5006	6844

9629 7590 10/04/2002

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

WYROZEBSKI LEE, KATARZYNA I

ART UNIT	PAPER NUMBER
----------	--------------

1714

DATE MAILED: 10/04/2002

7

Please find below and/or attached an Office communication concerning this application or proceeding.

TP

Office Action Summary	Application No.	Applicant(s)	
	09/836,534	MCENHILL ET AL.	
	Examiner	Art Unit	
	Katarzyna W. Lee	1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Objections

1. Claims 12 and 19 are objected to because of the following informalities: In claim 12 the applicant recited limitation of tailgate lower and possibly driver lower cover, center lower cover, center lower garnish, which are not spelled correctly. The appropriate term should read louver instead of "lower". Appropriate correction is required.

With respect to the claim 19, the examiner is not clear as to the exact meaning of laminate molding. Since the specification does not clearly describe the definition, the applicant is requested to clarify term "laminate molding"

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 1714

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (US 6,087,429) in view of Yui (US 4,504,617).

Claim 1 of the prior art of Yamamoto teaches following composition:

Component A: 50-80% by weight of crystalline propylene/ethylene block copolymer wherein ethylene content is 1-15% and melt flow rate is 10-100 g/10 min, wherein the MFR is measured at the required conditions of 230°C and 2160g, which is equivalent to 2.16 kg.

Component B: 5-40% by weight of ethylene/alpha olefin polymer having melt flow rate of 0.01-7 g/10 min and density of 0.850-0.890 g/cm³, wherein the alpha olefin has 4-18 carbon atoms.

Component C: 1-30% of talc having particle size of 0.1-5 microns.

The examples of Yamamoto further teach a particular recitation of butene as alpha-olefin utilized.

The prior art of Yamamoto discloses that the composition can be utilized to make interior and exterior trim parts of an automobile, wherein the articles are molded *via* injection molding. Some of the components disclosed in the prior art of Yamamoto include instrument panel, bumper, air dam spoiler and other components, that require excellent balance between low temperature impact resistance and rigidity. In addition, the instrument panel in a car such as examiner's 1992 Nissan Sentra is an entire one piece molding, which includes dashboard and glove compartment. In addition since the automobile parts of the present invention require good rigidity and impact resistance, it would be obvious to make any interior article to make from the injection moldable composition of Yamamoto.

Although the prior art of Yamamoto does not disclose the homopolymer of polypropylene it is still applicable against present claims, because the present invention gives a choice of having either a propylene/ethylene block copolymer or a mixture of propylene/ethylene block copolymer with polypropylene.

Art Unit: 1714

The difference between the present invention and the prior art of Yamamoto is just slightly higher amount of propylene/ethylene copolymer, presence of polypropylene and isotactic pentad content.

With respect to the above differences, the prior art of Yui discloses another composition comprising crystalline copolymer of propylene with alpha olefin, which is blended with synthetic rubber and crystalline polypropylene. The filler of the prior art of Yui is also talc having particle size of 0.5-5 microns.

According to the prior art of Yui, the alpha olefin copolymerized with propylene can be ethylene and it can be utilized in an amount of 25-90% by weight.

The polypropylene homopolymer, which can be admixed into the composition, is highly crystalline and it has isotactic index of 80-99.9

Both disclosures of the prior art applied against present claims tries to achieve composition, which has excellent rigidity and impact resistance. They both utilize talc as a filler, propylene ethylene copolymer, ethylene and alpha olefin polymer for impact resistance and in case of the prior art of Yui a homopolymer of polypropylene.

In the light of the above disclosure, having the two prior art references at hand, it would have been obvious to one having ordinary skill in the art to use higher amounts of block copolymer and if so desired with addition of polypropylene in order to arrive at present invention. Such obvious changes would provide composition having excellent impact resistance and rigidity.

Art Unit: 1714

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna W. Lee whose telephone number is (703) 306-5875.

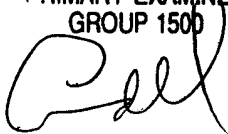
The examiner can normally be reached on Mon-Thurs 6:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (703) 306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

KIWL
September 25, 2002

EDWARD J. CAIN
PRIMARY EXAMINER
GROUP 1500

A handwritten signature in black ink, appearing to be 'E. Cain', written over the printed name and title.